

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

ELIZABETH SINES et al. :

Case No. 3:17-cv-00072

Plaintiff

Judge MOON

-v-

JASON KESSLER et al.

Defendants

SUPPLEMENTAL PROPOSED JURY INSTRUCTIONS

Defendants Kessler, Damigo, and Identity Evropa propose the following jury instructions in addition to those previously proposed.

**PROPOSED JURY INSTRUCTION NO. XX
Advocacy of Violence**

It is lawful to merely advocate for violence. It is further lawful to assemble with others to advocate for violent action provided the purported advocacy does not cross the line into incitement to imminent illegal violence.

Authority: Brandenburg v. Ohio 395 US 444 (1969); Hess v. Indiana 414 US 105 (1973)

PROPOSED JURY INSTRUCTION NO. XX
Ratification

Under the law, an individual may be liable for the violent acts of another member of his group or organization if the individual had sufficient knowledge of the wrongfulness or illegality other members violent act and approved of or ratified the violent act.

Authority: NAACP v. Claiborne Hardware 458 US 886 (1982).

Respectfully Submitted,

s/ James E. Kolenich
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Trial Attorneys for Jason Kessler,
Nathan Damigo, and Identity
Evropa

CERTIFICATE OF SERVICE

I certify the above was served on NOVEMBER 16, 2021 on all ECF participants and that parties requiring service by other means were served as follows: Robert Ray azzmador@gmail.com Vanguard America c/o Dillon Hopper dillon_hopper@protonmail.com Elliott Kline eli.f.mosley@gmail.com deplorabletruth@gmail.com Richardspencer@gmail.com Christopher Cantwell delivered in person while in the courtroom

Respectfully Submitted,

s/ James E. Kolenich